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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

JOSEPH COOK, an Individual;  
LIRVANEETHZA COOK, an  
Individual,

Plaintiffs,

vs.

FULLERTON SUPPORTIVE  
HOUSING, L.P., a California Limited  
Partnership; THE JOHN STEWART  
COMPANY, a California Corporation;  
and DOES 1 through 10, inclusive,

Defendants.

**CASE NO.: 8:19-cv-00383-PSG-ADS**  
*Judge: Hon. Philip S. Gutierrez*

**DEFENDANTS' OFFER OF  
JUDGMENT PER FEDERAL  
RULES OF CIVIL PROCEDURE 68**

1 AND ALL RELATED CROSS-  
2 ACTIONS. }

3 Defendants FULLERTON SUPPORTIVE HOUSING, L.P.  
4 (“FULLERTON”) and THE JOHN STEWART COMPANY (“JSC”) (collectively  
5 “Defendants”) hereby offer to allow entry of judgment to be taken against them by  
6 Plaintiffs JOSEPH COOK and LIRVANEETHZA COOK (collectively  
7 “Plaintiffs”) pursuant to Rule 68 of the Federal Rules of Civil Procedure as  
8 follows:

9 1. In the amount of \$73,750.00 (Seventy-Three Thousand Seven  
10 Hundred Fifty Dollars and 00/100) to plaintiff JOSEPH COOK against  
11 FULLERTON;

12 2. In the amount of \$73,750 (Seventy-Three Thousand Seven Hundred  
13 Fifty Dollars and 00/100) to plaintiff LIRVANEETHZA COOK against  
14 FULLERTON;

15 3. In the amount of \$73,750 (Seventy-Three Thousand Seven Hundred  
16 Fifty Dollars and 00/100) to plaintiff JOSEPH COOK against JSC; and

17 4. In the amount of \$73,750 (Seventy-Three Thousand Seven Hundred  
18 Fifty Dollars and 00/100) to plaintiff LIRVANEETHZA COOK against JSC.

19 Plaintiffs’ acceptance of the foregoing offers made to them is *expressly*  
20 *contingent* upon (i) each Plaintiff accepting the offer of both Defendants to  
21 him/her; *and* (ii) the other Plaintiff accepting the offers of both Defendants to  
22 him/her. Plaintiffs’ attempt to accept less than all of the offers enumerated as 1-4  
23 above is invalid and shall be deemed a rejection of this offer.

24 The offers set forth above shall be the total amount to be paid by Defendants  
25 to Plaintiffs on account of any and all liability claimed in this action, including all  
26 costs of suit, statutory penalties, and attorney’s fees otherwise recoverable in this  
27 action.

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1 If Plaintiffs do not accept these offers, they may become obligated to pay  
2 Defendants' costs incurred after the making of these offers in the event Plaintiffs  
3 do not recover a judgment that is more favorable than these offers of judgment  
4 pursuant to Rule 68(d) of the Federal Rules of Civil Procedure.

5 To accept these offers, Plaintiffs must serve written notice of acceptance  
6 thereof within fourteen (14) days of the date made.

7 These offers are not to be construed in any way as an admission of liability  
8 by the Defendants, but rather are made solely for the purpose of compromising  
9 disputed claims. Defendants expressly deny liability to Plaintiffs for any amount.

10 Dated: September 4, 2020

11 By /s/Tony J. Cheng, Esq.  
12 The Lee Law Group, PC  
13 Ted M. Lee, Esq.  
14 Tony J. Cheng, Esq.  
15 Attorneys for Defendant The John  
16 Stewart Company

17 Dated: September 4, 2020

18 By /s/  
19 Tyson & Mendes  
20 Richard G. Somes, Esq.  
21 Heather R. Whitehead, Esq.  
22 Attorneys for Defendant Fullerton  
23 Supportive Housing, L.P.  
24  
25  
26  
27  
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Cook v. Fullerton Supportive Housing, L.P., et al.  
United States District Court Case No.: 8:19-cv-00383-PSG-ADS  
File No.: 6035

**PROOF OF SERVICE**  
(C.C.P. Section 1013 (a) and 2015.5)

I am a citizen of the United States over the age of eighteen years and not a party to or interested in the within entitled cause. I am an employee of The Lee Law Group, PC and my business address is: 17310 Red Hill Avenue, Suite 350, Irvine, CA 92614. I am readily familiar with the business practice for collection and processing correspondence. On this date I caused to be served the following document(s):

**DEFENDANTS' OFFER OF JUDGMENT PER FEDERAL RULES OF  
CIVIL PROCEDURE 68**

- ☐ **Mail:** by placing a true copy thereof enclosed in a sealed envelope with first class postage thereon fully prepaid in the United States Post Office at Irvine, California, addressed as set forth below.
- ☐ **Personal Delivery:** by causing to be hand delivered, a true copy thereof to the person at the address below.
- ☐ **Electronic Mail:** Pursuant to Local Rule 5-3.2, the foregoing document will be served by the court via NEF and hyperlink to the document. On April 15, 2019, I checked the CM/ECF docket for this civil case and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated on the attached service list:
- ☒ **Electronic Service:** By electronically serving all parties via internet/electronic mail per all parties addressed as set forth below.

*Service by email by agreement of the parties of the documents to the persons at the email addresses we have for the persons on our service list during the coronavirus (COVID-19) pandemic, due to this office working remotely, we are not able to send physical mail as usual and we are therefore using email. No indication that the transmission was unsuccessful was received within a reasonable time (48 hours) after the transmission.*

**PLEASE SEE ATTACHED SERVICE LIST**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. EXECUTED on **September 4, 2020**, at Irvine, California.



TONY J. CHENG, ESQ.  
tcheng@leefirm.com

Cook v. Fullerton Supportive Housing, L.P., et al.  
United States District Court Case No.: 8:19-cv-00383-PSG-ADS  
File No.: 6035

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